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November 14, 2003

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Re: Application Serial No.: 09/578,312
Confirmation No.: 5731
Applicants: Jay Paul Drummond, et al.
Title: Automated Banking Machine
System with Multiple Browsers
Docket No.: D-1077+16

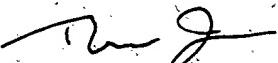
Sir:

Please find enclosed the Appeal Brief of Appellants pursuant to 37 C.F.R. § 1.192 in triplicate for filing in the above-referenced application.

It is believed that no extension of time is required. However, if such an extension is required then please consider this a petition therefore.

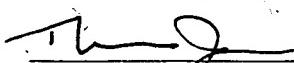
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Ralph E. Jockey
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D-1077+16

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:)
 Jay Paul Drummond, et al.)
)
Serial No.: **09/578,312**) Art Unit 3628
)
)
Confirmation No.: **5731**)
)
Filed: **May 25, 2000**) Patent Examiner
)
)
Title: **Automated Banking Machine**)
 System with Multiple Browsers)

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GROUP 3600

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

**BRIEF OF APPELLANTS
PURSUANT TO 37 C.F.R. § 1.192**

Sir:

The Appellants hereby submit their Appeal Brief pursuant to 37 C.F.R. § 1.192, in triplicate, concerning the above-referenced Application.

11/19/2003 AWONDAF1 00000028 090428 09578312
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REAL PARTY IN INTEREST

The Assignee of all right, title and interest to the above-referenced Application is Diebold, Incorporated, an Ohio corporation.

RELATED APPEALS AND INTERFERENCES

Appellants believe that there are no related appeals or interferences pertaining to this matter.

STATUS OF CLAIMS

Claims 1-45 are pending in the Application.

Claims 1-5, 11-13, 17, and 19-30 were rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Jheeta (US 5,619,558) in view of Sigona, et al. (US 5,694,150; hereinafter "Sigona").

Claims 14-16 and 18 were rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Jheeta in view of Sigona (as applied to claims 12 and 13) and further in view of Bertram, et al. (US 6,049,812; hereinafter "Bertram").

Claims 6-10 and 31-32 were rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Jheeta in view of Sigona (as applied to claims 1 and 22) and further in view of Murphy, Jr. et al. (US 6,049,820; hereinafter "Murphy") and Bertram.

Claim 33 was rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Grant, et al. (US 4,660,168; hereinafter "Grant") in view of Mark Leon, "TP-monitor vendors spin Web features", InfoWorld, July 1, 1996 (hereinafter "Leon").

Claims 34-45 were rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Grant in view of Leon (as applied to claim 33) and further in view of LaStrange, et al. (US 5,784,058; hereinafter "LaStrange").

These rejections were the only rejections present in the Office Action ("Action") dated June 17, 2003. Appellants appeal each claim rejection, inclusive.

STATUS OF AMENDMENTS

No final rejection is pending. Therefore, no amendments to the claims were requested to be admitted after a final rejection. However, claims have been twice rejected.

SUMMARY OF INVENTION

Overview of an exemplary form of the Invention

An exemplary form of the invention is directed to an ATM including transaction function devices (36) in operative connection with a computer. Examples of the transaction function devices include a card reader/writer mechanism (38), currency sheet dispenser mechanism (42), depository (44), receipt printer (46), and journal printer (48). A plurality of browsers operate in the computer for purposes of processing instructions in mark up language documents, such as HTML documents. Some browsers have the capability to both process instructions for operating ATM transaction function devices (36) and process instructions for providing outputs (198, 200,

202, 204, 206) that can be perceived by ATM customers. Other browsers may be more dedicated. Some browsers may be dedicated to processing document instructions for only operating transaction function devices (36), and not for providing outputs that may be perceived by customers of the ATM. For example, a browser which does not produce an output that is visible on a display screen may instead process documents which produce non visible outputs that are operative to cause a printer (46) to produce a printed document. Other browsers may be dedicated to only providing visible outputs (198, 200, 202, 204, 206) which can be perceived by customers operating the ATM. Browsers capable of providing visual outputs may be operated simultaneously to process documents and provide simultaneous outputs (e.g., Figures 32) to the customer. Thus, a plurality of instances of at least one browser can simultaneously operate in the ATM.

Many variations of browsers are possible (e.g., Figures 32 through 35). In the exemplary embodiment of Figure 32 an ATM has operating therein five browsers capable of providing five visible outputs (198, 200, 202, 204, 206) on the display screen (196) of the ATM. Each of the browsers produces a visible output. Each of the five browsers is capable of processing documents and communicating with network addresses.

In the exemplary embodiment of Figure 32 all five browsers are operated to process documents, although they may not all simultaneously provide visible outputs. Initially only the output (198) from the main browser is made visible. The other browsers are made visible using a “show” method which identifies the browser output size. This is done in response to show and size instructions included in processed documents, such as HTML documents. The output of the main browser is resized automatically to fill any remaining visible space on the screen (196) not

currently occupied by the outputs of the other browsers. In this embodiment the top and bottom browsers (when activated for visible output) occupy the entire width of the screen, while the left and right browsers occupy the space between the top and bottom browser outputs if visible.

The multiple visible browsers permit multiple simultaneous visible outputs based on different documents accessed at different network addresses. They also enable making outputs produced from documents visible on the screen (196) at various selected points in a transaction sequence. The capabilities are useful in presenting advertising or promotional materials to ATM customers during a transaction. The ATM can also beneficially simultaneously display screen messages in different languages. The operation of multiple browsers also permits an ATM to conduct simultaneous transaction types. For example, an ATM customer can acquire goods or services in a second transaction (e.g., a purchase transaction) through documents processed by at least one second browser while a first transaction (e.g., a banking transaction) is already in progress via documents processed by at least one first browser.

CONCISE STATEMENT OF THE ISSUES PRESENTED FOR REVIEW

The questions presented in this appeal are:

- 1). Whether Appellant's claims 1-5, 11-13, 17, and 19-30 are unpatentable under 35 U.S.C. § 103(a) as being unpatentable over Jheeta in view of Sigona.
- 2). Whether Appellant's claims 14-16 and 18 are unpatentable under 35 U.S.C. § 103(a) as being unpatentable over Jheeta in view of Sigona and further in view of Bertram.

- 3). Whether Appellant's claims 6-10 and 31-32 are unpatentable under 35 U.S.C. § 103(a) as being unpatentable over Jheeta in view of Sigona and further in view of Murphy and Bertram.
- 4). Whether Appellant's claim 33 is unpatentable under 35 U.S.C. § 103(a) as being unpatentable over Grant in view of Leon.
- 5). Whether Appellant's claims 34-45 are unpatentable under 35 U.S.C. § 103(a) as being unpatentable over Grant in view of Leon and further in view of LaStrange.

GROUPING OF CLAIMS

No groups of claims stand or fall together. Reasons are provided in the Argument section herein. The arguments presented provide reasons why each of the claims are separately patentable. Appellants present for each respective separate claim a corresponding respective separate argument as to why the claim is patentable over the rejection applied thereto. Each of Appellants' claims recites at least one element, combination of elements, or step not found or suggested in the applied references, which patentably distinguishes the claims.

The pending claims include five independent claims (claims 1, 12, 22, 33, and 35). Claims 2-11 and 21 depend from independent claim 1. Claims 13-20 depend from independent claim 12. Claims 23-32 depend from independent claim 22. Claim 34 depends from independent claim 33. Claims 36-45 depend from independent claim 35. All pending claims are reproduced in the Appendix.

ARGUMENT

The Applicable Legal Standards

Before a claim may be rejected on the basis of obviousness pursuant to 35 U.S.C. § 103, the Patent Office bears the burden of establishing that all the recited features of the claim are known in the prior art. This is known as *prima facie* obviousness. To establish *prima facie* obviousness, it must be shown that all the elements and relationships recited in the claim are known in the prior art. If the Office does not produce a *prima facie* case, then the Appellants are under no obligation to submit evidence of nonobviousness. MPEP § 2142 (Eighth Edition, August 2001; Rev. 1, Feb. 2003).

The teaching, suggestion, or motivation to combine the features in prior art references must be clearly and particularly identified in such prior art to support a rejection on the basis of obviousness. It is not sufficient to offer a broad range of sources and make conclusory statements. *In re Dembiczaik*, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999).

Even if all of the features recited in the claim are known in the prior art, it is still not proper to reject a claim on the basis of obviousness unless there is a specific teaching, suggestion, or motivation in the prior art to produce the claimed combination. *Panduit Corp. v. Denison Mfg. Co.*, 810 F.2d 1561, 1568, 1 USPQ2d 1593 (Fed. Cir. 1987). *In re Newell*, 891 F.2d 899, 901, 902, 13 USPQ2d 1248, 1250 (Fed. Cir. 1989).

The evidence of record must teach or suggest the recited features. An assertion of basic knowledge and common sense not based on any evidence in the record lacks substantial evidence support. *In re Zurko*, 258 F.3d 1379, 59 USPQ2d 1693 (Fed. Cir. 2001).

A determination of patentability must be based on evidence of record. *In re Lee*, 277 F.3d 1338, 61 USPQ2d 1430 (Fed. Cir. 2002).

It is respectfully submitted that the Action from which this appeal is taken does not meet these burdens.

The Jheeta Reference

Jheeta is directed to an ATM (14) that is operative to dispense to a customer a receipt (18) containing a transaction record, a promotion, and a telephone number for redeeming the promotion by the customer. When the customer calls the telephone number, a telephonic survey (28) is conducted and includes questions relating to products and services offered by a marketeer. Answers to the survey questions are stored in a customer profile in a computer database (30). The customer profile is used to generate a target message specific to the customer which offers a specific product or service from the marketeer based on the stored customer profile. The target message is then sent to the specific customer.

The Sigona Reference

Sigona is directed to a multiple screen display driver system which provides a multi-user environment on displayed portions (17, 19, 21, 23) of a large virtual image space (e.g., Figure 4; col. 8, lines 10-36). A control program processes events related to a plurality of user inputs representing different locations within the virtual display space. A first mode permits the plurality of user inputs to interact, allowing an object in the virtual display space at a first location specified by an initial user input to be associated with a second location specified by a

concurrent and subsequently terminating user input. A second mode processes a series of events related to a first user input without apparent functional interference with a concurrent series of events related to a second user input.

The Bertram Reference

Bertram is directed to a single browser that is operative to maintain multiple, concurrently active URLs within "marked tabs" (13) (Figure 4). This enables the browser to provide the functional emulation of a desktop working environment to the user.

The Murphy Reference

Murphy is directed to an Internet system having a plurality of applications (100, 102, 104), a plurality of servers (110, 112, 114), and a plurality of client computers, each with a browser (120, 122, 124). At least one of the servers is a master server (110) work station gateway owning a well-known port, and the other servers (114) are slave servers supporting established web browser-to-application state sessions (124 to 104). Dynamic session authentication checking is done by the server (110-114) to prevent the occurrence of screen spoofing by providing authentication keys which are unique to each session and each panel.

The Grant Reference

Grant is directed to an ATM arrangement including peripheral devices (e.g., card handler mechanism, printer mechanism, cash dispenser mechanism, and depository mechanism). Each peripheral device includes a dedicated processor for controlling operation of the device. The

ATM also includes a control unit (50) able to cause simultaneous real time operation of the various devices. Parallel activity of peripheral devices can reduce the time to complete a transaction.

The Leon Article

Leon is directed to a TP monitor called "Top End." It is well known that a "TP" monitor is an abbreviation for a "transaction processing" monitor. A plethora of information on TP monitors is available, including information which may be found via the Internet. A TP monitor is a program that monitors or tracks a transaction as it passes from one stage in a process to another, including across different computer systems. The TP monitor can provide transaction and data integrity by ensuring that each tracked system transaction gets processed to completion or is otherwise completely rolled back. Thus, for example, a TP monitor can make sure that groups of updates that are supposed to take place together actually do all take place, or otherwise none take place. A TP monitor may also be useful in balancing system loads and in recovery from system failures. For example, a TP monitor may be used to monitor whether a message sent from a sending application program was successfully transmitted and received by a receiving application. In the event of a failure as determined by the TP monitor, the failed message can be either resent or switched over to a process on another node.

Leon teaches that Top End is "middleware" software that lets users deploy point-of-sale applications. Top End is apparently applicable to tracking transactions conducted using credit cards at ATMs and electronic cash registers to be sure they are properly processed. A Web-specific version of Top End newly written at the time of the article has client code written as a set

of Java class libraries. The Java client running in the cash register or ATM downloads the transaction data by establishing a direct link to a Web browser that runs at the Top End remote back-end system. The back-end system records and stores the data about the transactions. In this way, the client directly connects to the Top End back office (away from the cash register or ATM) through a (TCP/IP) connection. The Top End client can send transaction data from the cash register or ATM to the remote back-end system (which charges the customer's account for the transaction) to reduce the risk that the transaction is not properly processed.

The LaStrange Reference

LaStrange is directed to a user control mechanism (52) for selectively retaining for display a document obtained from a network. The user control is located as an icon or symbol (52) in the browser interface for ease of use. Subsequent documents which are downloaded from the network are displayed in a separate window (60) of the display (26) in the computing system, and these subsequent windows are also provided with the same user control mechanism (52). A user can selectively create a second browser display page (60) by following a link (54) contained in the first browser display page (40) without overwriting the contents of the first browser display page.

(iii) 35 U.S.C. § 103

Appellants traverse the rejections on the grounds that Appellants' claims recite features and relationships which are neither disclosed nor suggested in the prior art, and because there is

no teaching, suggestion, or motivation cited so as to produce Appellants' invention. The features and relationships recited in Appellants' claims patentably distinguish over the applied references.

Appellants respectfully submit that none of the applied references, taken alone or in combination, teach or suggest the features and relationships that are specifically recited in the claims. The Office has not established a *prima facie* showing of obviousness. Additionally, even if it were somehow possible for the references to have disclosed certain features as alleged, it still would not have been obvious to one having ordinary skill in the art to have combined the references as alleged. Furthermore, even if it were somehow possible for the references to be combined as alleged, the resultant combination still would not have produced Appellants' claimed invention. That is, it would not have been obvious to one having ordinary skill in the art to have combined the references as alleged to have produced the recited invention. Thus, Appellants respectfully submit the rejections are improper and should be withdrawn.

**The Pending Claims Are Not Obvious Over
Jheeta in view of Sigona**

Claims 1-5, 11-13, 17, and 19-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jheeta in view of Sigona. These rejections are respectfully traversed.

Claim 1

Claim 1 is an independent claim which is specifically directed to an apparatus which comprises an automated banking machine. The automated banking machine includes a computer and at least one transaction function device in operative connection with the computer. The automated banking machine further includes a plurality of browsers operating in the computer.

The computer is operative to cause a transaction function device to operate responsive to instructions in at least one document processed by at least one of the browsers.

Neither Jheeta nor Sigona, taken alone or in combination, teach or suggest the recited features and relationships. The Action (on page 2, last paragraph) admits that Jheeta does not teach or suggest a plurality of browsers in a computer of an automated banking machine. The Action further admits that Jheeta does not teach or suggest the computer being operative to cause a transaction function device to operate responsive to instructions in at least one document processed by at least one of the browsers.

The Action alleges that Sigona discloses "multiple browsers open to accept input and one HTML document able to process user input." The Action further alleges that it would have been obvious to modify Jheeta with the teachings of Sigona to use "multiple browser windows to process transactions." The Appellants respectfully disagree. The relied upon sections of Sigona (col. 5, lines 50-67; and col. 6, lines 45-65), nor Sigona taken in its entirety, do not teach or suggest the recited features. The Action's assertions are not based on any evidence in the record.

In re Zurko, supra. *In re Lee*, supra.

Sigona is directed to virtual displaying and allowing multiple user inputs to act in concert. Sigona discloses a multiple screen display driver system which provides a multi-user environment on displayed portions of a large virtual image space. Sigona does not teach or suggest an automated banking machine, an automated banking machine with a transaction function device, a browser capable of processing document instructions, or a plurality of the browsers in the manner recited. Sigona is non analogous to both an automated banking machine and a browser capable of processing document instructions. Where does Sigona teach, suggest,

or even mention a browser, especially a browser capable of processing document instructions?

The Appellants respectfully submit that a "browser" has well known meaning in the art.

Appellants' Specification also provides support for "browser." For example, Specification page 4, at lines 5-6, states that "Mark up language documents such as HTML documents are processed or read through use of a computer program referred to as a 'browser'."

Sigona also does not teach or suggest "a plurality of browsers." Although Sigona discloses a system with multiple display devices, Sigona does not disclose or suggest a plurality of browsers, especially browsers that are operative to process at least one document. It follows that Sigona does not teach or suggest "a plurality of browsers operating in the computer." It further follows that Sigona does not teach or suggest a browser that can process instructions in at least one document. Nor does Sigona teach or suggest a computer that is operative to cause a device to operate responsive to browser processed instructions. Sigona does not teach a transaction function device that is operative responsive to documents processed by a plurality of browsers. It follows that Sigona does not teach or suggest a computer that is "operative to cause a transaction function device to operate responsive to instructions in at least one document processed by at least one of the browsers." Sigona does not teach or suggest the recited features, including those recited features admitted by the Office as being absent in Jheeta. Thus, the Office has not established a *prima facie* showing of obviousness

Furthermore, the Action is silent as to what feature in Jheeta constitutes an automated banking machine transaction function device in the manner recited. Although Jheeta discloses an ATM, neither Jheeta nor Sigona, taken alone or in combination, teach or suggest an automated banking machine (having at least one transaction function device) that includes a plurality of

browsers operating in a computer of the automated banking machine. Furthermore, neither reference includes any suggestion, teaching, or motivation to modify the ATM of Jheeta to include one or more browsers. In addition, neither Jheeta nor Sigona, taken alone or in combination, teach or suggest a computer in an automated banking machine that is operative to cause a transaction function device to operate responsive to instructions in at least one document. Furthermore, neither reference, taken alone or in combination, teach or suggest a computer that is operative to cause the transaction function device to operate responsive to instructions in at least one document processed by at least one of the browsers of the automated banking machine.

Neither reference includes any suggestion, teaching, or motivation to modify the ATM of Jheeta to operate a transaction function device responsive to instructions in one or more documents processed by one or more browsers. The Action is also silent as to how the system of Jheeta could be modified by the teachings of Sigona to achieve the recited apparatus. Nor has any evidence been presented that Jheeta's "conventional" ATM (14), which includes conventional components (14a, 14b, 14c, 14d) and is in a "conventional ATM network" (col. 2, lines 24-27 and 32-33), is structurally and functionally capable of being modified as set forth by the alleged teaching of Sigona, especially to produce the recited apparatus. Jheeta's ATM network (20) is apparently a conventional proprietary network, without the need for multiple browsers. Hence, the alleged modification to Jheeta would destroy the desired and disclosed structure and utility of the Jheeta teaching. However, an obviousness rejection cannot be based on a combination of features if making the combination would result in destroying the utility of the device shown in the prior art references. Note *In re Fine*, 5 USPQ2d 1598-99 (Fed. Cir. 1988).

The attempts to combine the alleged teachings are clearly attempts at hindsight reconstruction of Appellants' claimed invention, which is legally impermissible and does not constitute a valid basis for a finding of obviousness. *In re Fritch*, 22 USPQ2d 1780 (Fed. Cir. 1992). The rejections, which lack the necessary evidence and rationale, are based on knowledge gleaned only from Appellants' disclosure.

Sigona does not teach or suggest the admitted and previously discussed deficiencies in Jheeta. Because the Action has failed to show that all of the elements and relationships recited in the claim are known in the prior art, the Office has not met its burden of establishing *prima facie* obviousness. That is, the Office does not factually support any *prima facie* conclusion of obviousness. Further, even if all of the features recited in the claim could have been found in the prior art, it is still not proper to reject a claim on the basis of obviousness unless there is a specific teaching, suggestion, or motivation in the prior art to produce the claimed combination. The Action has also failed to clearly and particularly identify the required teaching, suggestion, or motivation to combine the features in the prior art references of Jheeta and Sigona to support a rejection on the basis of obviousness. Again, the Office has not established a *prima facie* showing of obviousness.

Nevertheless, modification of Jheeta (if somehow possible) with the virtual display teaching of Sigona would not have resulted in the recited apparatus. Thus, it further would not have been obvious to one having ordinary skill in the art to have modified Jheeta with the teachings of Sigona to have produced the recited apparatus. Neither Jheeta nor Sigona, taken alone or in combination, teach or suggest an automated banking machine computer (having a plurality of browsers) that is operative to cause an automated banking machine transaction

function device to operate responsive to instructions in at least one document processed by at least one browser.

As nothing in the cited art teaches or suggests the features and relationships that are specifically recited in the claim, and because there is no teaching, suggestion or motivation cited for combining features of the cited references so as to produce Appellants' invention, it is respectfully submitted that claim 1 is allowable for at least these reasons. Therefore, Appellants respectfully submit that the 35 U.S.C. § 103(a) rejection should be withdrawn.

Claim 2

Claim 2 depends from claim 1 and further recites that the automated banking machine comprises at least one output device in operative connection with the computer. Claim 2 further recites the ability to have documents processed by at least two of the browsers produce outputs delivered simultaneously through the output device.

Neither Jheeta nor Sigona, taken alone or in combination, teach or suggest an automated banking machine which includes a browser operating in a computer of the automated banking machine. Further, neither reference teaches or suggests an automated banking machine which includes a plurality of browsers operating in a computer of the automated banking machine. In addition, neither reference discloses or suggests the ability to have documents processed by at least two of the browsers produce outputs delivered simultaneously through an output device of the automated banking machine. The Office has not established a *prima facie* showing of obviousness. Nor would it have been obvious to one having ordinary skill in the art to have modified Jheeta with the teaching of Sigona to have produced the recited apparatus of claim 2.

Claim 3

Claim 3 depends from claim 2 and further recites that the output device includes a display. Claim 3 also recites that each of the two browsers outputs on separate portions of the display.

Neither Jheeta nor Sigona, taken alone or in combination, teach or suggest that each of two browsers of an automated banking machine outputs on separate portions of a display device of the automated banking machine. It would not have been obvious to one having ordinary skill in the art to have modified Jheeta with the teaching of Sigona to have produced the recited apparatus of claim 3.

Claim 4

Claim 4 depends from claim 1 and further recites that the transaction function device is operated responsive to documents processed by a plurality of browsers.

Neither Jheeta nor Sigona, taken alone or in combination, teach or suggest the ability to have documents processed by a plurality of browsers, nor the ability to operate a transaction function device responsive to the processing. The Office has not established a *prima facie* showing of obviousness. It would not have been obvious to one having ordinary skill in the art to have modified Jheeta with Sigona to have produced the recited apparatus of claim 4.

Claim 5

Claim 5 depends from claim 1 and further recites that the automated banking machine includes a card reader in operative connection with the computer. Also, the computer is operative to include card data read by the card reader in a transaction data object. Instructions in

documents processed by a plurality of the browsers are operative to access the card data from the transaction data object.

In an exemplary embodiment (e.g., Specification page 28) a record or transaction data object (104) includes the user's network address, the time, and other card data. This record in the exemplary embodiment may be stored in memory as data in an object in software. The transaction data object is preferably used to accumulate data as the transaction proceeds. The transaction data object provides persistence through what may be several different transaction steps executed by the customer. The ability to use and share the transaction data object data in a number of different operations avoids the need to derive it or obtain it from a customer more than once in the course of a user session involving a number of transaction steps.

Neither Jheeta nor Sigona, taken alone or in combination, teach or suggest the recited features and relationships of a computer, card reader, transaction data object, browsers, and document instructions. Where do the references teach or suggest a transaction data object? The Office has not established a *prima facie* showing of obviousness. It would not have been obvious to one having ordinary skill in the art to have modified Jheeta with the teaching of Sigona to have produced the recited apparatus of claim 5.

Claim 11

Claim 11 depends from claim 1 and further recites that the at least one document includes an HTML document.

As admitted in the Action, Jheeta fails to teach an HTML document. Sigona also fails to teach an HTML document. Where does Sigona teach or suggest an HTML document? Furthermore, neither Jheeta nor Sigona, taken alone or in combination, teach or suggest the

ability to have an HTML document processed by at least one browser of an automated banking machine, especially to cause a transaction function device to operate. The Office has not established a *prima facie* showing of obviousness. It would not have been obvious to one having ordinary skill in the art to have modified Jheeta with the teaching of Sigona to have produced the recited apparatus of claim 11.

Claim 12

Claim 12 is an independent method claim. The method comprises (a) operating a plurality of browsers in a computer in operative connection with an automated banking machine; (b) operating a transaction function device in the banking machine responsive to at least one document processed by at least one of the browsers; and (c) delivering outputs through at least one output device in connection with the automated banking machine responsive to documents processed by at least two of the browsers.

Note Appellants' remarks in support of the patentability of claim 1. As discussed previously with respect to claim 1, neither Jheeta nor Sigona, taken alone or in combination, teach or suggest operating a plurality of browsers in a computer in operative connection with an automated banking machine. Nor do the references, taken alone or in combination, teach or suggest operating a transaction function device in the banking machine responsive to at least one document processed by at least one of the browsers. In addition, neither reference, taken alone or in combination, teach or suggest delivering outputs through at least one output device in connection with the automated banking machine responsive to documents processed by at least two of the browsers.

The Action (on page 2, last paragraph) admits that Jheeta does not teach or suggest a plurality of browsers in a computer of an automated banking machine, nor the computer being operative to cause a transaction function device to operate responsive to instructions in at least one document processed by at least one of the browsers.

As previously discussed (e.g., claim 1 remarks), neither Jheeta nor Sigona, taken alone or in combination, teach, suggest, or even mention a browser that is capable of processing document instructions. It follows that the Action has not established a *prima facie* case of obviousness. Also, the relied upon Sigona does not teach or suggest operating a plurality of browsers as alleged, especially in a computer in operative connection with an automated banking machine. Sigona further does not teach or suggest operating an automated banking machine transaction function device responsive to at least one document processed by at least one of the browsers. Thus, neither Jheeta nor Sigona, taken alone or in combination, teach or suggest delivering outputs through at least one output device in connection with an automated banking machine responsive to documents processed by at least two of the browsers. It follows that modification (if somehow possible) of Jheeta with the deficient teaching of Sigona would not have resulted in the claimed method. The Office has not established a *prima facie* showing of obviousness. It would not have been obvious to one having ordinary skill in the art to have modified Jheeta as alleged to have produced the recited method of claim 12.

Claim 13

Claim 13 depends from claim 12 and further recites that the automated banking machine includes a display device. In addition claim 13 recites that in step (c) outputs from at least two of the browsers are output through the display device.

Neither Jheeta nor Sigona, taken alone or in combination, teach or suggest outputting outputs from at least two browsers through a display device of an automated banking machine. The Office has not established a *prima facie* showing of obviousness. It would not have been obvious to one having ordinary skill in the art to have modified Jheeta with the teaching of Sigona to have produced the recited method of claim 13.

Claim 17

Claim 17 depends from claim 12 and further recites that in step (b) a transaction function device is operated responsive to documents processed by a plurality of the browsers.

Neither Jheeta nor Sigona, taken alone or in combination, teach or suggest operating an automated banking machine transaction function device responsive to documents processed by a plurality of browsers. The Office has not established a *prima facie* showing of obviousness. It would not have been obvious to one having ordinary skill in the art to have modified Jheeta with the teaching of Sigona to have produced the recited method of claim 17.

Claim 19

Claim 19 depends from claim 12 and further recites that at least one output is delivered through at least one output device responsive to at least one HTML document processed by at least one of the browsers.

As admitted in the Action, Jheeta fails to teach an HTML document. Sigona fails to teach an HTML document and a browser that is operative to process an HTML document. Neither Jheeta nor Sigona, taken alone or in combination, teach or suggest that an output is delivered through at least one output device in connection with an automated banking machine responsive to at least one HTML document processed by at least one browser. The Office has not

established a *prima facie* showing of obviousness. It would not have been obvious to one having ordinary skill in the art to have modified Jheeta with the teaching of Sigona to have produced the recited method of claim 19.

Claim 20

Claim 20 depends from claim 12 and further recites that in the operating step the transaction function device includes a cash dispenser.

Neither Jheeta nor Sigona, taken alone or in combination, teach or suggest operating a cash dispenser in an automated banking machine responsive to at least one document processed by at least one browser. Where do the relied upon references teach or suggest operating a cash dispenser in response to a browser processed document? The Office has not established a *prima facie* showing of obviousness. It would not have been obvious to one having ordinary skill in the art to have modified Jheeta with the teaching of Sigona to have produced the recited method of claim 20.

Claim 21

Claim 21 depends from claim 1 and further recites that the transaction function device includes a cash dispenser.

Neither Jheeta nor Sigona, taken alone or in combination, teach or suggest a plurality of browsers operating in an automated banking machine computer, especially where the computer is operative to cause a cash dispenser to operate responsive to instructions in at least one document processed by at least one of the browsers. Where do the relied upon references teach or suggest operating a cash dispenser in response to a browser processed document? The Office has not established a *prima facie* showing of obviousness. It would not have been obvious to one having

ordinary skill in the art to have modified Jheeta with the teaching of Sigona to have produced the recited apparatus of claim 21.

Claim 22

Note Appellants' remarks in support of the patentability of claim 1. The Action (on page 2, last paragraph) admits that Jheeta does not teach or suggest a plurality of browsers in a computer of an automated banking machine, nor the computer being operative to cause a transaction function device to operate responsive to instructions in at least one document processed by at least one of the browsers.

Neither Jheeta nor Sigona, taken alone or in combination, teach or suggest an automated banking machine including a computer, where a plurality of transaction function devices (including a cash dispenser) are in operative connection with the computer, especially where the computer is operative to cause at least one transaction function device to operate responsive to instructions in at least one document processed by at least one instance of at least one browser. Where do the combined references teach or suggest a plurality of instances of at least one browser simultaneously operating in an automated banking machine computer? Where do the combined references teach or suggest operating an automated banking machine transaction function device responsive to browser processed document instructions? Neither Jheeta nor Sigona link transaction function device operation to browser processed document instructions, especially in relation with an automated banking machine.

The Office does not factually support any *prima facie* conclusion of obviousness. The alleged modification (if somehow possible) of Jheeta with the virtual display teaching of Sigona would not have resulted in the claimed apparatus. Thus it would not have been obvious to one

having ordinary skill in the art to have modified Jheeta as alleged to have produced the recited apparatus of claim 22.

Claim 23

Claim 23 depends from claim 22 and further recites the ability to have documents processed by at least two instances of at least one browser produce outputs delivered simultaneously through the at least one automated banking machine output device.

Neither Jheeta nor Sigona, taken alone or in combination, teach or suggest the ability to have documents processed by at least two instances of at least one browser, especially documents that produce outputs delivered simultaneously through the at least one automated banking machine output device. The Office has not established a *prima facie* showing of obviousness. Nor would it have been obvious to one having ordinary skill in the art to have modified Jheeta with the teaching of Sigona to have produced the recited apparatus of claim 23.

Claim 24

Claim 24 depends from claim 23 and further recites that at least one output device includes a display device.

Neither Jheeta nor Sigona, taken alone or in combination, teach or suggest browser processed documents that produce outputs delivered simultaneously through the at least one automated banking machine display device. It would not have been obvious to one having ordinary skill in the art to have modified Jheeta with the teaching of Sigona to have produced the recited apparatus of claim 24.

Claim 25

Claim 25 depends from claim 22 and further recites that the at least one document includes an HTML document.

Neither Jheeta nor Sigona, taken alone or in combination, teach or suggest an automated banking machine computer that is operative to cause at least one transaction function device to operate responsive to instructions in at least one HTML document processed by at least one instance of at least one browser. Neither Jheeta nor Sigona link transaction function device operation to browser processed HTML document instructions, especially in relation with an automated banking machine. The Office has not established a *prima facie* showing of obviousness. It would not have been obvious to one having ordinary skill in the art to have modified Jheeta with the teaching of Sigona to have produced the recited apparatus of claim 25.

Claim 26

Claim 26 depends from claim 22 and further recites that the at least one document includes a markup language document.

Neither Jheeta nor Sigona, taken alone or in combination, teach or suggest an automated banking machine computer that is operative to cause at least one transaction function device to operate responsive to instructions in at least one markup language document processed by at least one instance of at least one browser. Neither Jheeta nor Sigona link transaction function device operation to browser processed markup language document instructions, especially in relation with an automated banking machine. The Office has not established a *prima facie* showing of obviousness. It would not have been obvious to one having ordinary skill in the art to have modified Jheeta with the teaching of Sigona to have produced the recited apparatus of claim 26.

Claim 27

Claim 27 depends from claim 22 and further recites that the at least one of the transaction function devices includes the cash dispenser.

Neither Jheeta nor Sigona, taken alone or in combination, teach or suggest an automated banking machine computer that is operative to cause a cash dispenser to operate responsive to instructions in at least one document processed by at least one instance of at least one browser. Neither Jheeta nor Sigona link cash dispenser operation to browser processed document instructions, especially in relation with an automated banking machine. The Office has not established a *prima facie* showing of obviousness. It would not have been obvious to one having ordinary skill in the art to have modified Jheeta with the teaching of Sigona to have produced the recited apparatus of claim 27.

Claim 28

Claim 28 depends from claim 22 and further recites that the at least one of the transaction function devices includes a card reader.

Neither Jheeta nor Sigona, taken alone or in combination, teach or suggest an automated banking machine computer that is operative to cause a card reader to operate responsive to instructions in at least one document processed by at least one instance of at least one browser. Neither Jheeta nor Sigona link card reader operation to browser processed document instructions, especially in relation with an automated banking machine. The Office has not established a *prima facie* showing of obviousness. It would not have been obvious to one having ordinary skill in the art to have modified Jheeta with the teaching of Sigona to have produced the recited apparatus of claim 28.

Claim 29

Claim 29 depends from claim 28 and further recites that the computer is operative to include card data read by the card reader in a transaction data object, and wherein instructions in documents processed by at least two instances of the at least one browser are operative to access the card data from the transaction data object. Note Appellants' remarks in support of the patentability of claim 5 regarding a transaction data object.

Neither Jheeta nor Sigona, taken alone or in combination, teach or suggest the recited features and relationships of a computer, card reader, card data, transaction data object, at least two instances of the at least one browser, and document instructions. Where do the references teach or suggest a transaction data object? The Office has not established a *prima facie* showing of obviousness. It would not have been obvious to one having ordinary skill in the art to have modified Jheeta with the teaching of Sigona to have produced the recited apparatus of claim 29.

Claim 30

Claim 30 depends from claim 28 and further recites that the computer is further operative to cause the cash dispenser to dispense cash responsive to the accessed card data.

Neither Jheeta nor Sigona, taken alone or in combination, teach or suggest an automated banking machine computer that is operative to both cause a card reader to operate responsive to instructions in at least one document processed by at least one instance of at least one browser and cause a cash dispenser to dispense cash responsive to card data. The Office has not established a *prima facie* showing of obviousness. It would not have been obvious to one having ordinary skill in the art to have modified Jheeta with the teaching of Sigona to have produced the recited apparatus of claim 30.

**The Pending Claims Are Not Obvious Over
Jheeta in view of Sigona and further in view of Bertram**

Claims 14-16 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jheeta in view of Sigona and further in view of Bertram. These rejections are respectfully traversed. Bertram, like Sigona, is non analogous to an automated banking machine.

Claim 14

Claim 14 depends from claim 12 and further recites that at least one document includes a show instruction. Prior to step (c) the method further comprises the step of reading the show instruction with a first browser. In step (c) an output responsive to a second browser is delivered responsive to reading the show instruction.

The Action (on page 4, last paragraph) admits that neither Jheeta nor Sigona teach or suggest a document including a show instruction, nor causing an output responsive to reading the show instruction. The Action alleges the recited features to be well known and relies on the teachings of Bertram at col. 7, lines 20-35; col. 8, lines 1-12; col. 9, lines 1-15; and Figures 1A2, 1B1, 1B2. The Appellants respectfully disagree. Bertram does not teach or suggest reading a show instruction in a first document with a first browser and, responsive to the reading, delivering an output (to an output device in connection with an automated banking machine) responsive to a second browser. The Office has not established a *prima facie* showing of obviousness. Neither of the references, taken alone or in combination, teach or suggest the recited features, relationships, and steps. It would not have been obvious to one having ordinary skill in the art to have modified Jheeta/Sigona with the teaching of Bertram to have produced the recited method of claim 14.

Claim 15

Claim 15 depends from claim 12 and further recites that at least one document includes a size instruction. The method further comprises the step of reading the size instruction with a first browser. In step (c) an output responsive to a second browser is produced having a magnitude responsive to the size instruction.

The Action (on page 4, last paragraph) admits that neither Jheeta nor Sigona teach or suggest a document including a size instruction, nor producing an output having a magnitude responsive to the size instruction responsive to a second browser. The Action alleges the recited features to be well known and relies on the teachings of Bertram at col. 7, lines 20-35; col. 8, lines 1-12; col. 9, lines 1-15; and Figures 1A2, 1B1, 1B2. The Appellants respectfully disagree. Bertram does not teach or suggest a document that includes a size instruction as in the manner recited. Furthermore, neither reference teaches or suggests the step of reading a size instruction with a first browser. In addition, neither reference teaches or suggests producing an output having a magnitude responsive to the size instruction responsive to a second browser. Where is a prior art teaching or suggestion of the recited steps involving a document including a size instruction, reading the size instruction with a first browser, and producing an output having a magnitude responsive to the size instruction responsive to a second browser? Neither of the references, taken alone or in combination, teach or suggest the recited features, relationships, and steps. It follows that it would not have been obvious to one having ordinary skill in the art to have modified Jheeta/Sigona with the teaching of Bertram to have produced the recited method of claim 15.

Claim 16

Claim 16 depends from claim 13 and further recites that in step (c) a size of at least one output from a browser is determined responsive to other outputs. The Action (on page 5) admits that neither Jheeta nor Sigona teach or suggest that a size of at least one output from a browser is determined responsive to other outputs. The Action relies on the teachings of Bertram at col. 7, lines 1-25 and 55-67; and col. 8, lines 1-10. However, Bertram does not teach or suggest the recited features. Nor would it have been obvious to one having ordinary skill in the art to have modified Jheeta/Sigona with the teaching of Bertram to have produced the recited method of claim 16.

Claim 18

Claim 18 depends from claim 12 and further recites that the automated banking machine includes a display device. In step (a) at least five browsers are operated in the machine. In step (c) outputs corresponding to documents processed by each of the five browsers are delivered through the display device. The Action (on page 5) admits that neither Jheeta nor Sigona teach or suggest the recited features. The Action relies on the teachings of Bertram at col. 7, lines 1-25 and 55-67; and col. 8, lines 1-10. However, Bertram does not teach or suggest an automated banking machine including at least five browsers. Where does Bertram disclose operating at least five browsers, especially in an automated banking machine? It follows that Bertram does not teach or suggest that outputs corresponding to documents processed by each of the five browsers are delivered through a display device of the automated banking machine. It further follows that the Office has not established a *prima facie* showing of obviousness.

**The Pending Claims Are Not Obvious Over
Jheeta in view of Sigona and further in view of Murphy and Bertram**

Claims 6-10 and 31-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jheeta in view of Sigona and further in view of Murphy and Bertram. These rejections are respectfully traversed. Murphy, like Sigona and Bertram, is non analogous to an automated banking machine.

Claim 6

Claim 6 depends from claim 1 and further comprises a plurality of servers in operative connection with a network. A first server is operative to deliver first documents and a second server is operative to deliver second documents. An automated banking machine computer is also in operative connection with the network. A first browser operating in the banking machine is operative to process the first documents from the first server and a second browser operating in the banking machine is operative to process the second documents from the second server.

The Action apparently relies on Jheeta for a teaching of an ATM computer in operative connection with a network (20). The Action (on page 3) admits that Jheeta does not teach or suggest servers in connection with the network (20). This because Jheeta's network (20) is apparently a proprietary network, and has no need of servers. Even Jheeta teaches that the network (20) is "a conventional ATM network" (col. 2, lines 32-33). Note Appellants' remarks in support of the patentability of claim 1 regarding Jheeta's "conventional" ATM system.

Murphy is relied on as allegedly teaching HTTP servers that deliver HTML documents throughout a network. Murphy is directed to an Internet system having a plurality of applications, a plurality of servers, and a plurality of client computers, each with a browser.

However, neither Jheeta nor Murphy (nor the other references) teach or suggest a first automated banking machine browser that is operative to process first documents from a first server and a second automated banking machine browser that is operative to process second documents from a second server. Neither Sigona, Bertram, nor Murphy even teach or suggest an automated banking machine.

None of the references link an automated banking machine to a network, servers, and browsers. The Action is also silent as to how the system of Jheeta could be modified by the teachings of the secondary references to achieve the recited apparatus. Nor has any evidence been presented that Jheeta is structurally and functionally capable of being modified as alleged. None of the cited references includes a teaching, suggestion, or motivation to modify Jheeta's "conventional ATM network" for use with servers. In addition, none of the cited references include a teaching, suggestion, or motivation to modify Jheeta to include browsers operating in the ATM to process documents from respective servers. It follows that it would not have been obvious to one having ordinary skill in the art to have modified Jheeta/Sigona with the teaching of Murphy and Bertram to have produced the recited apparatus of claim 6.

Claim 7

Claim 7 depends from claim 6 and further recites that the automated banking machine includes a display device in operative connection with the computer. At least one of the first and second browsers is operative to cause a visible output through the display device.

The Action (on page 3) admits that Jheeta does not teach or suggest a first or second browser that is operative to cause a visible output through a display device. Murphy is relied on

as allegedly teaching HTTP servers that deliver HTML documents throughout a network.

Bertram is relied on as allegedly teaching visible output through a display device.

However, neither Jheeta/Sigona, Murphy, nor Bertram teach or suggest an automated banking machine with first and second browsers. Further, none of the references, taken alone or in combination, teach or suggest an automated banking machine in which at least one of the first and second browsers is operative to cause a visible output through a display device of the automated banking machine. The Action is also silent as to how the system of Jheeta could be modified by the teachings of the secondary references to achieve the recited apparatus. Nor has any evidence been presented that Jheeta is structurally and functionally capable of being modified as alleged. None do the references include a teaching, suggestion, or motivation to modify Jheeta as alleged. It follows that it would not have been obvious to one having ordinary skill in the art to have modified Jheeta/Sigona with the teaching of Murphy and Bertram to have produced the recited apparatus of claim 7.

Claim 8

Claim 8 depends from claim 6 and further recites that at least one of the browsers is operative to produce a non-visible output. The non-visible output is operative to cause the computer to control operation of at least one transaction function device in the banking machine.

The Action (on page 4) admits that Jheeta/Sigona does not teach or suggest the recited features. The Action alleges the recited features to be well known and relies on the teaching of Bertram. However, Bertram does not teach or suggest causing a computer to control operation of at least one transaction function device in an automated banking machine with a non-visible output produced with a browser. Where does Bertram teach the recited features? None of the

references, taken alone or in combination, teach or suggest a non-visible output produced by at least one browser that is operative to cause the computer of an automated banking machine to control operation of at least one transaction function device in the automated banking machine. It would not have been obvious to one having ordinary skill in the art to have modified Jheeta/Sigona with the teaching of Murphy and Bertram to have produced the recited apparatus of claim 8.

Claim 9

Claim 9 depends from claim 7 and further recites that at least one of the first documents includes at least one show instruction. The computer is operative responsive to the show instruction to cause a further visible output responsive to the second browser to be output through the display device.

The Action (on page 4) admits that Jheeta/Sigona does not teach or suggest a document that includes a show instruction. As previously discussed (e.g., claim 7), none of the references, taken alone or in combination, teach or suggest an automated banking machine in which at least one of first and second browsers is operative to cause a visible output through a display device of the automated banking machine. Furthermore, none of the references, taken alone or in combination, teach or suggest a computer that is operative responsive to a show instruction in a first document processed by the first browser to cause a further visible output through the display device of an automated banking machine responsive to the second browser. It would not have been obvious to one having ordinary skill in the art to have modified Jheeta/Sigona with the teaching of Murphy and Bertram to have produced the recited apparatus of claim 9.

Claim 10

Claim 10 depends from claim 9 and further recites that at least one of the first documents includes at least one size instruction. The computer is operative responsive to the size instruction to size the further visible output.

The Action (on page 4) admits that Jheeta/Sigona does not teach or suggest a document that includes a size instruction. The Action relies on the teachings of Bertram. However, Bertram does not teach or suggest a document including a size instruction, and that a computer of an automated banking machine is operative responsive to the size instruction to size a visible output. None of the references, taken alone or in combination, teach or suggest the recited features. Nor would it have been obvious to one having ordinary skill in the art to have modified Jheeta/Sigona with the teaching of Murphy and Bertram to have produced the recited apparatus of claim 10.

Claim 31

Claim 31 depends from claim 22 and further recites that the automated banking machine further comprises at least one display device in operative connection with the computer. At least one first instance of the at least one browser is operative to process at least one first document that includes at least one show instruction. The computer is operative responsive to the at least one show instruction to cause a visible output, responsive to at least one second instance of the at least one browser, to be output through the display device.

None of the references, taken alone or in combination, teach or suggest an automated banking machine in which an instance of at least one browser is operative to process at least one document having a show instruction to cause a visible output, responsive to at least one second

instance of the at least one browser, through a display device of an automated banking machine. Bertram does not teach or suggest the recited features as alleged. It would not have been obvious to one having ordinary skill in the art to have modified Jheeta/Sigona with the teaching of Murphy and Bertram to have produced the recited apparatus of claim 31.

Claim 32

Claim 32 depends from claim 31 and further recites that the at least one first document includes at least one size instruction, and wherein the computer is operative responsive to the at least one size instruction to size the visible output. None of the references, taken alone or in combination, teach or suggest at least one document including at least one show instruction and at least one size instruction. Bertram does not teach or suggest the recited show instruction and size instruction features as alleged, especially in conjunction with a display device of an automated banking machine. Nor has any evidence been presented that Jheeta is structurally and functionally capable of being modified to provide visible output using show instruction and size instruction features in the manner recited. It would not have been obvious to one having ordinary skill in the art to have modified Jheeta/Sigona with the teaching of Murphy and Bertram to have produced the recited apparatus of claim 32.

The Pending Claims Are Not Obvious Over Grant in view of Leon

Claim 33 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Grant in view of Leon. This rejection is respectfully traversed.

Claim 33

Claim 33 is an independent apparatus claim. Neither Grant nor Leon, taken alone or in combination, teach or suggest an automated banking machine including a computer, a plurality of transaction function devices in operative connection with the computer, at least one display device in operative connection with the computer, and at least one instance of at least one browser operating in the computer, wherein the transaction function devices include a cash dispenser, wherein the computer is operative to cause at least one of the transaction function devices to operate responsive to instructions in at least one document processed by the at least one instance of the at least one browser, and wherein at least one document processed by the at least one instance of the at least one browser produces an output delivered through the at least one display device.

The Action (on page 5) admits that Grant does not teach or suggest at least one instance of at least one browser operating in a computer, at least one document processed by the at least one instance, and where at least one document processed by the at least one instance produces an output delivered through at least one display device. Appellants respectfully submit that Grant also does not teach or suggest the ability to cause at least one transaction function device to operate responsive to instructions in at least one document processed by at least one instance of at least one browser.

The Action alleges that Leon discloses automated teller machines that are "web-enabled so that browsers with their usual functionality operate the ATM machine and present a browser interface to the user." The Action further alleges that it would have been obvious to modify Grant with the teachings of Leon "to obtain the benefit of web-enabled ATM machine display

interface to speed ATM transactions." The Appellants respectfully disagree. Leon does not teach or suggest the features attributed thereto by the Office. The Action's assertions are not based on any evidence in the record. *In re Zurko*, supra. *In re Lee*, supra.

Appellants respectfully submit that the Action takes the teaching of Leon out of context. Where does Leon teach or suggest that browsers "operate" an ATM machine and present a browser interface to a user as alleged? Rather, Leon, as best understood, is directed to a TP monitoring program that monitors or tracks a transaction. Apparently, Top End (if similar to present day TP monitors) ensures that each monitored transaction gets completed or rolled back. Note the above description of the Leon reference. Leon also admits that Web standards like CGI cannot handle Top End class applications (page 1, second to last paragraph).

Leon teaches that Top End is also applicable to cash registers in the same manner as it is applicable to ATMs. Where does Leon teach or suggest that Top End controls cash registers? If a cash register cannot be controlled by Top End then neither can an ATM, as alleged. Where does Leon teach that Top End requires use of a browser operating in an ATM or cash register? Even Leon admits that NCR is still "trying to overcome" limitations "to enable" transactions over the Web. Thus, Leon is not capable of carrying out ATM transactions over the Web.

Leon does not teach or suggest the ability to cause at least one transaction function device to operate responsive to instructions in at least one document processed by at least one instance of at least one browser, especially where the at least one processed document produces an output delivered through a display device associated with an automated banking machine. Where does Leon link processing of at least one document (by at least one browser instance) to transaction

function device operation and display output? It follows that Leon cannot alleviate the admitted and previously discussed deficiencies in Grant.

The Action is also silent as to how the system of Grant could be modified by the teachings of Leon to achieve the recited apparatus. Modification of Grant to have included Leon's ability to monitor a transaction would not have resulted in the recited apparatus. Nor has any evidence been presented that Grant is structurally and functionally capable of being modified as set forth by the teaching of Leon, especially to produce the recited invention. The Action is devoid of a teaching, suggestion, or motivation to modify Grant to have produced the recited apparatus of claim 33. Grant has no need of a browser. Nor would it have been obvious to have modified Grant with a browser. It further would not have been obvious to have modified Grant with the ability to have at least one document processed by at least one instance of at least one browser, especially where the at least one processed document is operative to cause at least one transaction function device to operate and cause an output through at least one display device.

The attempts to combine the alleged teachings are clearly attempts at hindsight reconstruction of Appellants' claimed invention, which is legally impermissible and does not constitute a valid basis for a finding of obviousness. *In re Fritch*, supra. The rejections, which lack the necessary evidence and rationale, are based on knowledge gleaned only from Appellants' disclosure.

Leon does not teach or suggest the admitted and additionally discussed deficiencies in Grant. The Office does not factually support any *prima facie* conclusion of obviousness. It would not have been obvious to one having ordinary skill in the art to have modified Grant (if somehow possible) with the TP-monitor of Leon to have produced the recited apparatus of claim

33. Therefore, Appellants respectfully submit that the 35 U.S.C. § 103(a) rejection should be withdrawn.

**The Pending Claims Are Not Obvious Over
Grant in view of Leon and further in view of LaStrange**

Claims 34-45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Grant in view of Leon and further in view of LaStrange. These rejections are respectfully traversed.

Claim 34

Claim 34 depends from claim 33 and further recites that the automated banking machine includes at least two instances of the at least one browser running simultaneously in the computer.

The Action (on page 6) admits that Grant/Leon does not teach or suggest at least two instances of the at least one browser running simultaneously in a computer. The Action relies on LaStrange as allegedly teaching multiple browsers and HTML documents on a display screen. However, LaStrange is non analogous to an automated banking machine. It follows that LaStrange does not teach or suggest at least two instances of the at least one browser running simultaneously in a computer of an automated banking machine. LaStrange also does not teach or suggest the ability to cause at least one transaction function device to operate responsive to instructions in at least one document processed by at least one instance of at least one browser, especially where the processed document produces an output delivered through a display device. It would not have been obvious to one having ordinary skill in the art to have modified Grant/Leon with the teaching of LaStrange to have produced the recited apparatus of claim 34.

Claim 35

Claim 35 is an independent method claim. Note Appellants' remarks in support of the patentability of claim 33. The Action (on page 6) admits that Grant/Leon does not teach or suggest step (a). That is, the Action admits that Grant/Leon does not teach or suggest simultaneously operating a plurality of instances of at least one browser in a computer in operative connection with an automated banking machine, where the automated banking machine includes a cash dispenser. However, Appellants respectfully submit that Grant/Leon also does not teach or suggest steps (b) or (c). Where does Grant/Leon teach or suggest operating a transaction function device in an automated banking machine responsive to at least one document processed by at least one of the simultaneously operated instances of the at least one browser? Where does Grant/Leon teach or suggest delivering outputs through at least one output device in connection with the automated banking machine responsive to at least one document processed by at least one of the simultaneously operated instances of the at least one browser?

LaStrange is directed to a method of displaying two or more pages on a computer display. LaStrange is non analogous to an automated banking machine with a cash dispenser. LaStrange cannot alleviate the admitted and previously discussed deficiencies of Grant/Leon. Where does LaStrange teach or suggest recited steps (a), (b), or (c)? Where does LaStrange teach or suggest simultaneously operating a plurality of instances of at least one browser in a computer in operative connection with an automated banking machine including a cash dispenser? Where does LaStrange teach or suggest operating an automated banking machine transaction function device responsive to at least one document processed by at least one of simultaneous instances of at least one browser? Further, where does LaStrange teach or suggest delivering outputs through

at least one output device in connection with the automated banking machine responsive to at least one document processed by at least one of the simultaneous instances of the at least one browser? Where does LaStrange link processing of at least one document (by at least one browser instance) to both operation of an automated banking machine transaction function device and delivery of output through at least one output device in connection with the automated banking machine?

Neither Grant/Leon nor LaStrange, taken alone or in combination, teach or suggest both operating an automated banking machine transaction function device and delivering outputs through at least one output device (in connection with the automated banking machine) responsive to at least one document processed by at least one of simultaneous instances of at least one browser. Where is the prior art teaching or suggestion of operating an automated banking machine transaction function device responsive to a browser processed document? Where is the prior art teaching or suggestion of delivering outputs through an output device in connection with the automated banking machine responsive to a browser processed document? Where is the prior art teaching or suggestion of the combination of these features.

The Action's assertions are not based on any evidence in the record. An assertion of knowledge not based on any evidence in the record lacks substantial evidence support. *In re Zurko*, supra. The determination of patentability must be based on evidence of record. *In re Lee*, supra. The Office does not factually support any *prima facie* conclusion of obviousness.

The Action is also silent as to how the combination of Grant/Leon could be modified by the teaching of LaStrange to achieve the recited method. The attempts to combine the alleged teachings are clearly attempts at hindsight reconstruction of Appellants' claimed invention, which

is legally impermissible and does not constitute a valid basis for a finding of obviousness. *In re Fritch*, supra. The rejections, which lack the necessary evidence and rationale, are based on knowledge gleaned only from Appellants' disclosure.

As previously discussed, none of the relied upon references, taken alone or in combination, teach or suggest the features and relationships that are specifically recited in the steps of method claim 35. The applied prior art is devoid of any such teaching, suggestion, or motivation for combining features of the references so as to produce the recited method. Even if it were somehow possible (which it isn't) for the references to be combined as alleged, the resultant combination still would not have resulted in the recited method. Therefore, Appellants respectfully submit that the 35 U.S.C. § 103(a) rejection should be withdrawn.

Claim 36

Claim 36 depends from claim 35 and further recites that step (c) includes simultaneously delivering outputs through the at least one output device in connection with the automated banking machine responsive to at least one document processed by at least two of the instances of the at least one browser.

The Action is silent as to a prior art teaching or suggestion of the recited features. Thus, the Office has not established a *prima facie* showing of obviousness. The references are devoid of any such teaching, suggestion, or motivation for combining features of the references so as to produce the recited method. Even if it were somehow possible (which it isn't) for the references to be combined as alleged, the resultant combination still would not have resulted in the recited method of claim 36.

Claim 37

Claim 37 depends from claim 36 and further recites that in step (c) the at least one output device includes a display device. Neither of the references, taken alone or in combination, teach or suggest simultaneously delivering outputs through at least one display device in connection with the automated banking machine responsive to at least one document processed by at least two of instances of at least one browser. It would not have been obvious to one having ordinary skill in the art to have modified Grant/Leon with the teaching of LaStrange to have produced the recited method of claim 37.

Claim 38

Claim 38 depends from claim 35 and further recites that in step (b) the at least one document includes an HTML document.

None of the references, taken alone or in combination, teach or suggest operating a transaction function device in an automated banking machine responsive to at least one HTML document processed by at least one instance of at least one browser. None of the references link transaction function device operation to at least one browser processed HTML document, especially in relation with an automated banking machine. The Office has not established a *prima facie* showing of obviousness. It would not have been obvious to one having ordinary skill in the art to have modified the references as alleged to have produced the method of claim 38.

Claim 39

Claim 39 depends from claim 35 and further recites that in step (b) the at least one document includes a markup language document.

None of the references, taken alone or in combination, teach or suggest operating a transaction function device in an automated banking machine responsive to at least one markup language document processed by at least one instance of at least one browser. None of the references link transaction function device operation to at least one browser processed markup language document, especially in relation with an automated banking machine. The Office has not established a *prima facie* showing of obviousness. It would not have been obvious to one having ordinary skill in the art to have modified the references as alleged to have produced the recited method of claim 39.

Claim 40

Claim 40 depends from claim 35 and further recites that in step (b) the at least one transaction function device includes the cash dispenser.

None of the references, taken alone or in combination, teach or suggest operating a cash dispenser in an automated banking machine responsive to at least one document processed by at least one instance of at least one browser. None of the references link cash dispenser operation to at least one browser processed document, especially in relation with an automated banking machine. The Office has not established a *prima facie* showing of obviousness. It would not have been obvious to one having ordinary skill in the art to have modified the references as alleged to have produced the recited method of claim 40.

Claim 41

Claim 41 depends from claim 35 and further recites that in step (b) the at least one transaction function device includes a card reader.

None of the references, taken alone or in combination, teach or suggest operating a card reader in an automated banking machine responsive to at least one document processed by at least one instance of at least one browser. None of the references link card reader operation to at least one browser processed document, especially in relation with an automated banking machine. The Office has not established a *prima facie* showing of obviousness. It would not have been obvious to one having ordinary skill in the art to have modified the references as alleged to have produced the recited method of claim 41.

Claim 42

Claim 42 depends from claim 41 and further recites the steps of (d) reading card data with the card reader; (e) storing the card data in a transaction data object; and (f) accessing the data stored in the transaction data object with at least two instances of the at least one browser responsive to instructions in documents processed by the at least two instances of the at least one browser.

The Action (on page 6) admits that Grant/Leon does not teach or suggest step (f). The Action is silent as to a prior art teaching or suggestion of the recited step (f). Appellants respectfully submit that none of the references, taken alone or in combination, teach or suggest a transaction data object. Where do the references teach or suggest a transaction data object? Note Appellants' remarks in support of the patentability of claim 5 regarding a transaction data object. Thus, the Office has not established a *prima facie* showing of obviousness.

Neither of the references, taken alone or in combination, teach or suggest the recited features, relationships, and steps involving a computer, automated banking machine including a cash dispenser and a card reader, card data, transaction data object, at least two instances of at

least one browser, at least one document, and document instructions. Further, the references are devoid of any such teaching, suggestion, or motivation for combining features of the references so as to produce the recited method. It would not have been obvious to one having ordinary skill in the art to have modified the references as alleged to have produced the method of claim 42.

Claim 43

Claim 43 depends from claim 42 and further recites the step of (g) causing the cash dispenser to dispense cash responsive to the accessed card data. The Action is silent as to a prior art teaching or suggestion of the recited step (g). Appellants respectfully submit that none of the references, taken alone or in combination, teach or suggest accessing card data stored in a transaction data object with at least two instances of at least one browser responsive to instructions in documents processed by the at least two instances of the at least one browser, and further causing an automated banking machine cash dispenser to dispense cash responsive to the accessed card data. Again, the Office has not established a *prima facie* showing of obviousness. Nor would it have been obvious to one having ordinary skill in the art to have modified the references as alleged to have produced the recited method of claim 43.

Claim 44

Claim 44 depends from claim 35 and further recites that at least one document includes a show instruction, and prior to step (c) further comprising the step of reading the show instruction with a first instance of the at least one browser, and wherein in step (c) an output responsive to a second instance of the at least one browser is delivered responsive to reading the show instruction with the first instance of the at least one browser.

The Action admits (on page 6) that Grant/Leon does not teach or suggest the recited step.

The Action alleges that LaStrange discloses size features which are inherent in browser technology. The Appellants respectfully disagree that LaStrange teaches the features admitted as absent in Grant/Leon. Where does LaStrange teach reading a document size instruction with a first instance of at least one browser, and responsive thereto delivering an output through at least one output device in connection with an automated banking machine responsive to a second instance of the at least one browser? The Office has not established a *prima facie* showing of obviousness. None of the references, taken alone or in combination, teach or suggest the recited method. It would not have been obvious to one having ordinary skill in the art to have modified the references as alleged to have produced the recited method of claim 44.

Claim 45

Claim 45 depends from claim 35 and further recites that at least one document includes a size instruction, and further comprising the step of reading the size instruction with a first instance of the at least one browser, wherein in step (c) an output responsive to a second instance of the at least one browser is produced having a magnitude responsive to the size instruction.

The Action admits (on page 6) that Grant/Leon does not teach or suggest the recited step. The Action alleges that LaStrange discloses size features which are inherent in browser technology. The Appellants respectfully disagree that LaStrange teaches the features admitted as absent in Grant/Leon. Where does LaStrange teach reading a document size instruction with a first instance of at least one browser, and producing an output having a magnitude responsive to the size instruction responsive to a second instance of the at least one browser? The Office has not established a *prima facie* showing of obviousness. None of the references, taken alone or in

combination, teach or suggest the recited method. Nor would it have been obvious to one having ordinary skill in the art to have modified the references as alleged to have produced the recited method of claim 45.

CONCLUSION

Each of Appellants' pending claims specifically recites features and relationships that are neither disclosed nor suggested in any of the applied art. Furthermore, the applied art is devoid of any teaching, suggestion, or motivation for combining features of the applied art so as to produce the recited invention. For these reasons it is respectfully submitted that all the pending claims are allowable.

Respectfully submitted,

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APPENDIX

CLAIMS

1. An apparatus comprising:

an automated banking machine including a computer and at least one transaction function device in operative connection with the computer, and a plurality of browsers operating in the computer, wherein the computer is operative to cause the transaction function device to operate responsive to instructions in at least one document processed by at least one of the browsers.
2. The apparatus according to claim 1 wherein the automated banking machine further comprises at least one output device in operative connection with the computer, and wherein documents processed by at least two of the browsers produce outputs delivered simultaneously through the output device.
3. The apparatus according to claim 2 wherein the output device includes a display, and wherein each of the two browsers outputs on separate portions of the display.
4. The apparatus according to claim 1 wherein the transaction function device is operated responsive to documents processed by a plurality of browsers.

5. The apparatus according to claim 1 wherein the automated banking machine includes a card reader in operative connection with the computer, wherein the computer is operative to include card data read by the card reader in a transaction data object, and wherein instructions in documents processed by a plurality of the browsers are operative to access the card data from the transaction data object.
6. The apparatus according to claim 1 and further comprising:
 - a network, wherein the computer of the automated banking machine is in operative connection with the network;
 - a plurality of servers in operative connection with the network, wherein a first server is operative to deliver first documents and a second server is operative to deliver second documents;

and wherein a first browser operating in the banking machine is operative to process the first documents from the first server and a second browser operating in the banking machine is operative to process the second documents from the second server.

7. The apparatus according to claim 6 wherein the automated banking machine includes a display device in operative connection with the computer, wherein at least one of the first and second browsers is operative to cause a visible output through the display device.
8. The apparatus according to claim 6 wherein at least one of the browsers is operative to produce a non-visible output, wherein the non-visible output is operative to cause the computer to control operation of at least one transaction function device in the banking machine.
9. The apparatus according to claim 7 wherein at least one of the first documents includes at least one show instruction, and wherein the computer is operative responsive to the show instruction to cause a further visible output responsive to the second browser to be output through the display device.
10. The apparatus according to claim 9 wherein at least one of the first documents includes at least one size instruction, and wherein the computer is operative responsive to the size instruction to size the further visible output.
11. The apparatus according to claim 1 wherein the at least one document includes an HTML document.

12. A method comprising:
- a) operating a plurality of browsers in a computer in operative connection with an automated banking machine;
 - b) operating a transaction function device in the banking machine responsive to at least one document processed by at least one of the browsers;
 - c) delivering outputs through at least one output device in connection with the automated banking machine responsive to documents processed by at least two of the browsers.
13. The method according to claim 12 wherein the automated banking machine includes a display device, and wherein in step (c) outputs from at least two of the browsers are output through the display device.
14. The method according to claim 12 wherein at least one document includes a show instruction, and prior to step (c) further comprising the step of reading the show instruction with a first browser, and wherein in step (c) an output responsive to a second browser is delivered responsive to reading the show instruction.

15. The method according to claim 12 wherein at least one document includes a size instruction, and further comprising the step of reading the size instruction with a first browser, wherein in step (c) an output responsive to a second browser is produced having a magnitude responsive to the size instruction.
16. The method according to claim 13 wherein in step (c) a size of at least one output from a browser is determined responsive to other outputs.
17. The method according to claim 12 wherein in step (b) a transaction function device is operated responsive to documents processed by a plurality of the browsers.
18. The method according to claim 12 wherein the automated banking machine includes a display device, and wherein in step (a) at least five browsers are operated in the machine, and wherein in step (c) outputs corresponding to documents processed by each of the five browsers are delivered through the display device.
19. The method according to claim 12 wherein in the delivering step at least one output is delivered through at least one output device responsive to at least one HTML document processed by at least one of the browsers.
20. The method according to claim 12, wherein in the operating step the transaction function device includes a cash dispenser.

21. The apparatus according to claim 1, wherein the transaction function device includes a cash dispenser.
22. An apparatus comprising:
 - an automated banking machine including a computer, a plurality of transaction function devices in operative connection with the computer, and a plurality of instances of at least one browser simultaneously operating in the computer, wherein the transaction function devices include a cash dispenser, wherein the computer is operative to cause at least one of the transaction function devices to operate responsive to instructions in at least one document processed by at least one instance of the at least one browser.
23. The apparatus according to claim 22, wherein the automated banking machine further comprises at least one output device in operative connection with the computer, and wherein documents processed by at least two instances of the at least one browser produce outputs delivered simultaneously through the at least one output device.
24. The apparatus according to claim 23, wherein the at least one output device includes a display device.

25. The apparatus according to claim 22, wherein the at least one document includes an HTML document.
26. The apparatus according to claim 22, wherein the at least one document includes a markup language document.
27. The apparatus according to claim 22, wherein the at least one of the transaction function devices includes the cash dispenser.
28. The apparatus according to claim 22, wherein the at least one transaction function devices includes a card reader.
29. The apparatus according to claim 28, wherein the computer is operative to include card data read by the card reader in a transaction data object, and wherein instructions in documents processed by at least two instances of the at least one browser are operative to access the card data from the transaction data object.
30. The apparatus according to claim 28, wherein the computer is further operative to cause the cash dispenser to dispense cash responsive to the accessed card data.
31. The apparatus according to claim 22, wherein the automated banking machine further comprises at least one display device in operative connection with the computer, wherein

at least one first instance of the at least one browser is operative to process at least one first document, wherein the at least one first document includes at least one show instruction, and wherein the computer is operative responsive to the at least one show instruction to cause a further visible output responsive to at least one second instance of the at least one browser to be output through the display device.

32. The apparatus according to claim 31, wherein the at least one first document includes at least one size instruction, and wherein the computer is operative responsive to the at least one size instruction to size the further visible output.

33. An apparatus comprising:

an automated banking machine including a computer, a plurality of transaction function devices in operative connection with the computer, at least one display device in operative connection with the computer, and at least one instance of at least one browser operating in the computer, wherein the transaction function devices include a cash dispenser, wherein the computer is operative to cause at least one of the transaction function devices to operate responsive to instructions in at least one document processed by the at least one instance of the at least one browser, and wherein at least one document processed by the at least one instance of the at least one browser produces an output delivered through the at least one display device.

34. The apparatus according to claim 33 wherein the automated banking machine includes at least two instances of the at least one browser running simultaneously in the computer.

35. A method comprising:

- a) simultaneously operating a plurality of instances of at least one browser in a computer in operative connection with an automated banking machine, wherein the automated banking machine includes a cash dispenser;
- b) operating a transaction function device in the automated banking machine responsive to at least one document processed by at least one of the instances of the at least one browser;
- c) delivering outputs through at least one output device in connection with the automated banking machine responsive to at least one document processed by at least one of the instances of the at least one browser.

36. The method according to claim 35, wherein step (c) includes simultaneously delivering outputs through the at least one output device in connection with the automated banking machine responsive to at least one document processed by at least two of the instances of the at least one browser.

37. The method according to claim 36, wherein in step (c) the at least one output device includes a display device.
38. The method according to claim 35, wherein in step (b) the at least one document includes an HTML document.
39. The method according to claim 35, wherein in step (b) the at least one document includes a markup language document.
40. The method according to claim 35, wherein in step (b) the at least one transaction function device includes the cash dispenser.
41. The method according to claim 35, wherein in step (b) the at least one transaction function device includes a card reader.
42. The method according to claim 41, further comprising:
 - d) reading card data with the card reader;
 - e) storing the card data in a transaction data object; and

f) accessing the data stored in the transaction data object with at least two instances of the at least one browser responsive to instructions in documents processed by the at least two instances of the at least one browser.

43. The method according to claim 42, further comprising:

g) causing the cash dispenser to dispense cash responsive to the accessed card data.

44. The method according to claim 35, wherein the at least one document includes a show instruction, and prior to step (c) further comprising the step of reading the show instruction with a first instance of the at least one browser, and wherein in step (c) an output responsive to a second instance of the at least one browser is delivered responsive to reading the show instruction with the first instance of the at least one browser.

45. The method according to claim 35, wherein the at least one document includes a size instruction, and further comprising the step of reading the size instruction with a first instance of the at least one browser, wherein in step (c) an output responsive to a second instance of the at least one browser is produced having a magnitude responsive to the size instruction.